

REMARKS

Claims 1–8 and 10–26 are pending. Claims 1–7, 10–20, 22 and 23 are allowed. Claims 8, 21, and 24–26 were rejected. Claims 8, 21, and 24–26 have been amended. Reconsideration of the application is requested in view of the above amendments to the claims and the following remarks.

Objections to Specification, Drawings, and Claims

The terms “kit” and “frictional” have been removed from claims. By removing these terms, Applicants have resolved Examiner’s objections to the specification and drawings. Also, in light of the foregoing amendments which provide a clear antecedent basis for the term “connector,” Applicants submit that claims 8, 21 and 24–26 are now in condition for allowance.

Rejection under 35 U.S.C. § 112

Claims 21 and 24–26 were rejected under section 112. The “kit” claims are replaced with claims directed to an eyeglass retainer. The term “frictional” has been deleted.

Rejection under 35 U.S.C. § 102/§ 103

The Examiner rejected claim 8, citing U. S. Patent No. 2,704,961 (“*Weil*”), and claims 21 and 26, citing *Weil* in combination with U. S. Patent No. 6,233,345 (“*Urwyler*”). Claims 8 and 21 are allowable, particularly as now amended.

Weil and *Urwyler*, do not, either alone or in combination, teach or suggest what is currently claimed in claims 8 or 21. *Weil* teaches using an opening comprising only a single hole to receive the end of an earpiece. Similarly, *Urwyler* teaches using an opening comprising a single slit to receive the earpiece into the hollow member.

In contrast, claims 8 and 21 require an opening with a plurality of portions, each being different or having a different configuration, e.g, the configuration of a hole and the

configuration of an adjacent slit, rather than an opening with a single portion as taught in *Weil* and *Urwyler*. The use of a plurality of portions is highly advantageous for Applicants since the hole and the slit combine to conveniently enable an earpiece to extend through an opening, then be reliably retained therein. *Weil* and *Urwyler* teach no such combination. Accordingly, Applicants submit that claim 21 and its related dependent claims are in condition for allowance.

CONCLUSION

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is cordially requested to contact the undersigned attorney at 801-321-8826.

Dated this 22 day of July, 2004.

Respectfully submitted,



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